

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv270-RJC**

**In Re: SAMUEL KEITH MYATT and
KIM LOUISE MYATT,**

Debtors.

**SAMUEL KEITH MYATT and
KIM LOUISE MYATT,**

Appellants,

v.

**BRAD W. BEELAERT and
KONSTANTINA A. BEELAERT,**

Appellees.

ORDER

THIS MATTER is before the Court on Defendant-Appellants' Notice of Appeal and the Appellees' Motion to Dismiss. (Doc. Nos. 1, 5). The Appellants in this action failed to defend the action below, and default judgment was entered against them. See United States Bankruptcy Court for the Western District of North Carolina, Chapter 7, Case No. 10-03102. Upon Appellants' filing a letter in the Bankruptcy Court, that court treated it as a timely notice of appeal. However, Appellants have failed to file a brief in support of their appeal despite the Court's having granted them an extension of time until August 24, 2010.

Rule 8001(a) of the Federal Rules of Bankruptcy Procedure states that the appellant's failure to take any step other than the timely filing of a notice of appeal "is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal."

IT IS, THEREFORE, ORDERED that the Appellees' Motion to Dismiss (Doc. No. 5) is **GRANTED**, the Notice of Appeal is **DISMISSED**, and the Clerk of Court is **DIRECTED** to close this matter.

Signed: December 2, 2010

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

